

TOWN OF WELLESLEY



RECEIVED
TOWN CLERK'S OFFICE
MASSACHUSETTS
WELLESLEY, MASS.

SHERMAN J. L. BROWN
JOHN L. HAYDEN
GARRETT S. HOAG

BOARD OF APPEAL

1959 JAN 26 PM 1:03

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Petition of Charles S. Pollina

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 324 Washington Street at 8:25 p.m. on December 10, 1959 upon the petition of Charles S. Pollina requesting permission to continue his dental practice in the dwelling owned by Charles S. and Kathryn C. Pollina at 6 Wellesley Avenue.

Paul Jameson, attorney, represented the petitioner at the hearing.

The Planning Board opposed the continued use of the dwelling unless the petitioner resides within the property.

Statement of Facts

The subject premises are in a General Residence District in which the office of a professional man is permitted only if in the professional man's residence.

In 1954 Dr. Pollina, a dentist, agreed to purchase the property at 6 Wellesley Avenue and after petition and public hearing was granted permission by this Board to alter the non-conforming premises by converting the first floor into a dental office. Permission was granted on the petitioner's representation that he would reside on the second floor. This Board was informed at the hearing on the 1957 petition hereinafter referred to that due to the death of his father and the necessity of making a home for his mother he had not moved into the subject premises as intended. Instead the second floor apartment was rented but the dental office was used nevertheless although in violation of the Zoning By-law. In 1957 following a complaint the petitioner requested special permission of this Board pursuant to Section 7-C of the Zoning By-law to continue to maintain his dental office on the subject premises although not his residence. Permission was granted for one year. In 1958 pursuant to petition for renewal the permit was extended for one year with the following admonition.

".....it is the unanimous opinion of this Board that the petitioner should make arrangements during the ensuing year to either occupy the house involved or move his dentist practice elsewhere. The permit granted a year ago was on a temporary and conditional basis and is not to become a permanent arrangement by annual renewal."

In spite of that warning the petitioner neither made the subject premises his residence nor removed his office to a district where it is permitted. Instead he asked for a further extension of the permit and an extension to December 31, 1959 was granted with the following clear statement of our intent:

"It is the opinion of the Board that adequate notice was given to the petitioner a year ago to make arrangements to either occupy the house involved or move his professional offices elsewhere. However, in order that undue hardship will not result to either the petitioner's family or his mother, the Board is prepared to grant a terminal permit until December 31, 1959.

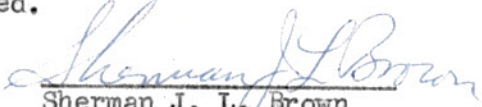
"It is not the intention of this Board to allow non-conforming uses to continue permanently on conditional and temporary permits granted and renewed on an annual basis.

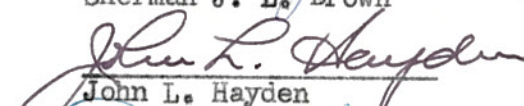
"Accordingly, the Board grants the requested permit subject to the following condition: that it will expire on December 31, 1959."

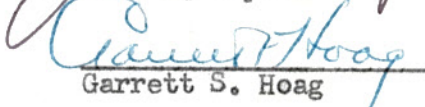
Opinion

Messrs. Hayden and Brown would grant a further extension. Mr. Hoag believing the petitioner has had ample warning would not.

Accordingly, the petition is denied.


Sherman J. L. Brown


John L. Hayden


Garrett S. Hoag

Filed with Town Clerk _____

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.
1960 JAN 26 PM 1:03